



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

IM52/0605

JOHN Y CHEN
APPLIED ELASTOMERICS INC
163 W HARRIS AVENUE
SOUTH SAN FRANCISCO CA 94080

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/285,809	04/01/99	014	HARLAN, R	1713 06/05/01
First Named Applicant	CHEN, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION CRYSTALS GELS WITH (NON-SURFACE ACTIVATED) OPTICAL AND NON-TACKY PROPERTIES AND COMPOSITES

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 34	524-484.000	H27	UTILITY	NO	\$1240.00	09/05/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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United States Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/285,809	04/01/99	CHEN	J 34

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EXAMINER

HARLAN, R

ART UNIT

PAPER NUMBER

1713

DATE MAILED: 06/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Allowability

Application No.

09/285,809

Examiner

Robert D. Harlan

Applicant(s)

CHEN, JOHN Y

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/22/01.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 01 April 1999 are acceptable as formal drawings.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION.** This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).

6. ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☐ Applicant MUST submit NEW FORMAL DRAWINGS
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review(PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>5</u> | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Robert D. Harlan
Examiner
Art Unit: 1713

Art Unit: 1713

DETAILED ACTION

1. The Amendment with Remarks and Petition for Extension of Time filed 02/22/2001 and Supplement Amendment and Information Disclosure Statement filed on 03/21/2001 have been entered.

2. Claims 1-14 are under consideration.

Response to Amendment/Arguments

3. Applicant's amendment and arguments filed on 02/22/2001 and 03/21/2001 have been fully considered and they are found persuasive.

4. The objection of the disclosure because of informalities is withdrawn.

5. The objection claim 1 because of informalities is withdrawn.

6. The rejection of claims 1, 2 and 4 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

Art Unit: 1713

particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn.

7. The rejection of claims 1-9 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Makowski et al., U.S. Patent No. 3,821,149 (hereinafter "Makowski") is withdrawn.

Allowable Subject Matter/Reasons for Allowance

8. Claims 1-14 are allowed.

9. The following is an examiner's statement of reasons for allowance: The closest prior art located or identified by the Examiner is Makowski, Cheung et al., U.S. Patent No. 5,739,200 (hereinafter Cheung I) and Cheung et al., U.S. Patent No. 6,136,923 (hereinafter Cheung II).

10. Makowski discloses plasticized thermoplastic semi-crystalline block copolymers. See Makowski, Abstract; col. 2, lines 3-32. Makowski discloses a polyethylene/polystyrene block copolymers and an assortment of plasticizers. See Makowski col. 6, line 28 through col. 8, line 33. Makowski discloses the

Art Unit: 1713

crystalline polyethylene should have a molecular weight of preferably from 10,000 to 250,000. See Makowski, col. 4, lines 34-45. In working example 1, Makowski prepares a polyethylene-polystyrene-polyethylene block copolymer wherein a DSC showed a glass transition of 104°C and a melting transition of 87°C. See Makowski, col. 10, lines 61-68. The semi-crystalline block copolymers prepared by Makowski have several uses such clear films, hose, tubing, etc. See Makowski, col. 9, lines 47-58. The present invention differs from Makowski in that the copolymers disclosed in Makowski are not the same as the present invention and the plasticizers are different.

11. Cheung I and II disclose random ethylene/styrene interpolymers with low amounts of naphthenic and paraffinic oils. Cheung I and II differ from the present invention in that Cheung I and II teach random interpolymers and a low amount of plasticizer and a different type of plasticizer.

12. As of the date of this Notice of Allowability, the Examiner has not located or identified any reference that can be used singularly or in combination with another reference including

Art Unit: 1713

Makowski, Cheung I and Cheung II to render the present invention anticipated or obvious to one of ordinary skill in the art.

13. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Harlan whose telephone number is (703) 306-5926. The examiner can normally be reached on Mon-Fri, 10 AM - 8 PM.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (703) 308-2450. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-3429 for regular communications and (703) 306-3429 for After Final communications.

Art Unit: 1713

16. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1495.

Robert D. Harlan
Examiner
Art Unit 1713

rdh
June 4, 2001



DAVID W. WU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700